S.B.CIVIL SECOND APPEAL NO.271/2002

Smt. Pyari
vs.
Municipal Board, Jalore.

DATE OF JUDGMENT ::: 2.1.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. Arjun Singh for Mr.Sangeet Lodha, for the appellant.
Mr. PR Mehta, for the respondent.

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Heard learned counsel for the parties.

The appellant filed a suit for mere permanent injunction despite the fact that admittedly, she has no title deed in her favour nor the title deed was in favour of her predecessor. She also submitted that the matter for regularisation of the land in her favour is pending before the Municipal Board.

The two courts below held that the Municipal Board has legal right to remove the encroachment and in fact, a notice was given to the plaintiff and thereafter his possession was removed with the help of police on 10.3.1986. It will be worthwhile to mention here that the plaintiff who sought injunction against the authority from whom she was seeking regularisation of the plot, produced

oral witnesses and one notice Ex.1 only. In view of the above facts only, if the two courts below dismissed the suit of the plaintiff, the courts below have not committed any illegality as the plaintiff is not the owner of the property nor can seek injunction against the Municipal Board for taking proceedings for removal of the encroachment.

In view of the above, I do not find any substantial question of law involved in this appeal, therefore, this appeal deserves to be dismissed, hence, dismissed.

(PRAKASH TATIA), J.

S.Phophaliya